

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**EMERGENCY MOTION FOR ORDER DIRECTING
BUREAU OF PRISONS TO TRANSFER DEFENDANT TO DEVENS**

The defendant, Luis Rodriguez, hereby requests this Court to enter an Order directing the Bureau of Prisons to transfer him immediately to Devens from Plymouth County Correctional Facility (“PCCF”) for medical treatment and monitoring.

In support of this *Motion*, Rodriguez states as follows:

1. Since Rodriguez' incarceration on February 24, 2004 he has experienced extreme medical problems relating to complications from a 1995 a gun shot wound to his right eye and face.
2. As recently as this past Saturday afternoon May 7, 2005, Rodriguez had an episode where he could not breathe and lost consciousness. Prison officials immediately took him to Jordan Hospital in Plymouth, the hospital closest to PCCF.
3. The May 7, 2005 episode was the third in the past year and each one increases in severity. His PCCF medical records are attached showing the on-going nature of his condition. In addition, Rodriguez is presently experiencing

severe numbness on the right side of his head, neck and shoulder. The numbness is also increasing in severity.

4. On April 12, 2005 about one week after Rodriguez' last court appearance, he was examined at Shattuck Hospital for the numbness and blackouts. The doctor told him that the CT Scan revealed multiple bullet fragments lodged on a nerve in the back of his right eye.
5. He was told that the fragments in his face are moving and if they reach the brain the situation may be fatal.
6. Because Rodriguez had another episode only three weeks after the Shattuck diagnosis, his need for more careful medical monitoring has become more critical. PCCF is not equipped to deal with his medical problems as effectively as Devens which has a medical facility.
7. If he cannot be transferred immediately to Devens then Rodriguez requests that he be placed at a facility that has an on-site hospital to treat any emergency medical situation arising from his life-threatening condition.
8. The USAO does not object to defendant's request for a medical transfer.

LUIS RODRIGUEZ

By his attorney,

/s/ Valerie S. Carter
Valerie S. Carter
Carter & Doyle LLP
530 Atlantic Avenue
Boston, MA 02210
617-348-0525

DATED: **May 10, 2005**

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2005 a true copy was hand delivered to Clerk and ECF Filed, and a copy of the above document was served upon U.S. Attorney of record and Pre-Trial Services via ECF-mailing and hand delivery.

/s/ Valerie S. Carter
Valerie S. Carter, Esq.